

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

UNITED STATES OF AMERICA

v.

JAMES EDWARD MONOGAN, III,

Defendant.

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CASE NO. 3:20-CR-23

VIOLATIONS:

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2252A(a)(2)

18 U.S.C. § 2252A(a)(b)(1)

18 U.S.C. § 2252A(a)(5)(B)

18 U.S.C. § 2252A(b)(2)

18 U.S.C. § 2253

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Production of Child Pornography)

On or about March 28, 2019, in the Athens Division of the Middle District of Georgia, and elsewhere within the jurisdiction of this Court,

JAMES EDWARD MONOGAN, III,

Defendant herein, attempted to and did employ, use, persuade, induce, entice, and coerce a minor, B.D. to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction was produced and transported using materials that had been mailed, shipped, and transported in interstate and foreign commerce; all in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT TWO
(Receipt and Distribution of Child Pornography)

From on or about March 26, 2019, through on or about April 04, 2019, in the Athens Division of the Middle District of Georgia, and elsewhere within the jurisdiction of this Court,

JAMES EDWARD MONOGAN, III,

Defendant herein, did knowingly receive and distribute any child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that has been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer to Unknown Kik User 1; all in violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1).

COUNT THREE
(Receipt and Distribution of Child Pornography)

From on or about March 29, 2019, through April 20, 2019, in the Athens Division of the Middle District of Georgia, and elsewhere within the jurisdiction of this Court,

JAMES EDWARD MONOGAN, III,

Defendant herein, did knowingly receive and distribute any child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that has been mailed, shipped, and transported in and affecting interstate and foreign commerce by any

means, including by computer to Unknown Kik User 2; all in violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1).

COUNT FOUR
(Receipt and Distribution of Child Pornography)

On or about April 21, 2019, in the Athens Division of the Middle District of Georgia, and elsewhere within the jurisdiction of this Court,

JAMES EDWARD MONOGAN, III,

Defendant herein, did knowingly receive and distribute any child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that has been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer to Unknown Kik User 3; all in violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1).

COUNT FIVE
(Possession of Child Pornography)

On or about September 5, 2019, in the Macon Division of the Middle District of Georgia, and elsewhere within the jurisdiction of this Court,

JAMES EDWARD MONOGAN, III,

Defendant herein, did knowingly possess material which contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved a prepubescent minor and a minor who had not attained twelve (12) years of age, that had been mailed, shipped, and transported in and affecting

interstate and foreign commerce by any means, including by computer; all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

FORFEITURE NOTICE
(18 U.S.C. § 2253 - Criminal Forfeiture)

1. The allegations contained in Counts One through Five of this Indictment are hereby re-alleged and incorporated by reference into this Notice for the purpose of alleging forfeitures to the United States of America, pursuant to the provisions of Title 18, United States Code, Section 2253.

2. Upon conviction of the offense(s) in violation of Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1), set forth in Count One, and/or Title 18, United States Code, Sections 2252A(a)(2) and 2252A(b)(1) set forth in Counts Two through Four, and/or Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2) set forth in Count Five of this Indictment, the defendant, **JAMES EDWARD MONOGAN, III**, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 2253:

- (a) Any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

- (b) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and
- (c) Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense(s), or any property traceable to such property.

3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon exercise of due diligence;
- (b) has been transferred, sold to or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

All pursuant to 18 U.S.C. § 2253.

A TRUE BILL.

/s/ Foreperson of the Grand Jury
FOREPERSON OF THE GRAND JURY

Presented by:

CHARLES E. PEELER
UNITED STATES ATTORNEY

C. Shanelle Booker
C. SHANELLE BOOKER
Assistant United States Attorney

Filed in open court this 18 day of June, 2020.

C. Alston
Deputy Clerk